

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 27, 2007

DIVISION ONE

B184040 Denise Bowen (Not for Publication)
 v.
 City of Pasadena et al.

The summary judgment is reversed. The trial court is directed to enter an order denying defendants' motion for summary judgment, granting defendants' motion for summary adjudication of plaintiff's causes of action for wrongful termination based on race and/or gender and hostile work environment and denying the motion for summary adjudication as to plaintiff's cause of action for wrongful termination based on retaliation. Plaintiff is to recover costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

B190346 Robert Lopez (Not for Publication)
 v.
 David De Priest et al.

The judgment is reversed. Defendants are to recover their costs on appeal.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

March 27, 2007 (Continued)

DIVISION ONE (Continued)

B191928 People (Not for Publication)

V.

Brandon L. Ross

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.

Rothschild, J.

B192744 People (Not for Publication)

V.

Andre Lucky Luzano

The appeal is dismissed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.

Vogel (Miriam A.), J.

B192940 Los Angeles County, D.C.S. (Not for Publication)

V.

Deamuirr G. et al.

The orders are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Mallano, J.

March 27, 2007 (Continued)

DIVISION ONE (Continued)

B189413 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B190286 People (Not for Publication)
v.
Brandon B.

The order is reversed insofar as it declares appellant's offense to be a felony and states a maximum period of confinement, and the case is remanded with directions to make those determinations on the record. In all other respects, the order is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B193242 Treweek et al. (Not for Publication)
v.
California Capital Insurance Company

The judgment is reversed. Appellant(s) to recover costs.

Mallano, Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

March 27, 2007 (Continued)

DIVISION ONE (Continued)

B186842 People (Not for Publication)
v.
Lopez

The judgment of conviction is affirmed. The sentence is reversed, and the case is remanded for resentencing with directions to strike the weapon use enhancement (§12022.3, subd. (a)) on count 1; to calculate the appropriate terms for counts 4 and 9 under section 1170.1 and to calculate separately the terms to be imposed for the violent sex offenses under section 667.6, subdivision (d), adding the latter to the former.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

DIVISION TWO

B189832 People (Not for Publication)
v.
Caballero

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B185202 Reynolds (Not for Publication)

v.

County of Los Angeles,

The award to plaintiff Reynolds of attorney fees incurred in the trial proceeding is affirmed. The denial of Reynolds's application for attorney fees incurred in the prior appeal proceeding is reversed and remanded for determination of that attorney fee application. Costs on appeal are awarded to plaintiff Reynolds.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

B188971 The People (Not for Publication)

v.

Warren Hoover

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

B190951 Braca (Not for Publication)

v.

2-10 HBW Warranty of California, Inc.

The judgment is affirmed. HBW shall recover its costs on appeal.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

March 27, 2007 (Continued)

DIVISION FOUR

B188758 People (Not for Publication)
v.
Cisneros

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B191938 City of Monterey Park (Not for Publication)
v.
Gustavo Rodriguez

The order is affirmed. The city is awarded its costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B188156 Nina Ringgold
v.
Andre-Paul Summers-Chaussier

Filed order denying petition for rehearing.

DIVISION SIX

B194110 Human Services Agency (Not for Publication)

v.

Tammy L.

The order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.

Perren, J.

B184255 People (Not for Publication)

v.

Gradillas & Reyes

As to Gradillas, the judgment is affirmed. As to Reyes, the sentence imposed is vacated and the matter is remanded for resentencing. As to both appellants, the clerk of the superior court is directed to prepare and forward to the Department of Corrections amended abstracts of judgment ordering each appellant, jointly and severally, to pay restitution in the amount of \$4975 to the Restitution Fund in the state treasury. In all other respects, the judgments are affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

March 27, 2007 (Continued)

DIVISION SIX (Continued)

B188097 People (Not for Publication)
v.
Barron

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B185157 People (Not for Publication)
v.
Alvarado

We affirm the judgment, vacate the sentence, and remand the case to the superior court for resentencing. (*Cunningham v. California*, *supra*, 549 U.S. __ [2007 WL 135687].) On remand, the trial court shall resentence appellant for robbery and stay the sentence for the count 9 carjacking. The trial court shall forward the amended abstract of judgment to the Department of Corrections.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

March 27, 2007 (Continued)

DIVISION SEVEN

B188640 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B191247	Carr v. Kamins
B188463	DCFS v. Daniel E.
B191004	Enriquez v. SCLA (DCFS)
B192942	DCFS v. Joanna V.
B190701	People v. Normeli L.
B180658	People v. Ramirez
B188975	People v. Parrish
B196003	Jacqueline L. et al. v. SCLA (DCFS)
B188587	People v. Ross
B191242	People v. Smith

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B186346 San Remo Funding Group,

v.

Mako Fund, Inc, et al.,

Merits:

Argued by Brian Jacobs for appellant and by Richard Charnley for respondents. Cause submitted.

B189740 L&B Real Estate,

v.

Housing Authority of the County of Los Angeles,

Merits:

Argued by Mitchel J. Ezer for appellant and by Erin Welsh for respondent. Cause submitted.

B190718 Kuist,

v.

Bedrosian,

Merits:

Argued by Hillel Chodos for appellant and by Don Anthony for respondent. Cause submitted.

Cooper, P.J., leaves the bench.

B186033 Heubeck,

v.

Heubeck

Merits:

Argued by John C. Heubeck for appellant and by Jeanine G. Strong for respondent. Cause submitted.

DIVISION EIGHT (Continued)

Cooper, P.J., returns to the bench.

B188613 People
 v.
 Imran Q.

Merits:
Argued by Anne E. Fragasso for appellant and Marc E. Turchin, Deputy
Attorney General for respondent. Cause submitted.

Rubin, J., leaves the bench.

B189426 People
 v.
 Loveridge,

Merits:
Argued by Lynette Moore for appellant and by Steven Mercer, Deputy
Attorney General for respondent. Cause submitted.

B189721 People
 v.
 Juan T.,

Merits:
Argued by Patricia Winters for appellant and by Beverly K. Falk, Deputy
Attorney General for respondent. Cause submitted.

Rubin, J., returns to the bench.

Flier, J., leaves the bench.

March 27, 2007 (Continued)

DIVISION EIGHT (Continued)

B187092 Porcile,
v.
Westly et al.,

Merits:

Argued by William Palmer for appellant and by Robin Johansen for respondents. Cause submitted.

B189961 Doty et al.,
v.
Meruelo et al.,

Oral argument continued to May 1, 2007, at 9:00 a.m.

Each of the following:

B191412	People v. Turcios
B186011	Regency Outdoor v. City of West Hollywood

Oral argument continued to May 30, 2007, at 1:00 p.m.

Court adjourned.

B180658 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (Continued)

B186713 Romi's Express, et al. (Not for Publication)

v.

Rosalba Gil et al.,

The judgment is reversed to the extent it awards damages to Bethencourt and Gil based on the personal liability on Murray and Wong for breach of contract and breach of the covenant of good faith and fair dealing. In all other respects, the judgment is affirmed. Each side to bear its own costs on appeal.

Rubin, Acting P.J.

I concur: Boland, J.

I dissent: Flier, J. (Opinion)

B181749 Perry (Not for Publication)

v.

Byrnes

The February 14, 2005, restraining, custody, and visitation order is affirmed. Respondent to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.

Flier, J.

B188463 Los Angeles County, D.C.S.

B191004 v.

Daniel E. et al.,

In re Johnathon E., a Person Coming Under the Juvenile Court Law

DIVISION EIGHT (Continued)

B193691 Daniel E., Sr.,
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

Filed order consolidating above captioned appeals.

B188463 Los Angeles County, D.C.S. (Not for Publication)
B191004 v.
B193691 Daniel E. et al.,
In re Johnathon E., A person Coming Under the Juvenile Court Law.

The juvenile court orders summarily denying the father's three section 388 petitions are reversed. The father's petition for writ of mandate is granted. Additionally, the order denying the father's request to be evaluated as part of the court-ordered bonding study is reversed. Upon remand, the court is directed to immediately order that the Evidence Code section 730 study evaluate the father's relationship with his child. Upon receipt of that evaluation, the court is directed to conduct an evidentiary hearing within 21 days to consider the merits of the father's section 388 petitions. Pending the outcome of the hearing on the section 388 petitions, the court is directed to vacate any existing dates for a section 366.26 hearing. The court is further directed to instruct DCFS to ascertain the father's current address and to send him notices of any and all hearings to his current address.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

March 27, 2007 (Continued)

DIVISION EIGHT (Continued)

B183145 People (Not for Publication)
v.
Smith

Smith's conviction of burglary is reversed. The robbery and burglary special circumstances against appellants are reversed, the sentences are vacated, and the matter is remanded for resentencing. Cooper must be resentenced on all counts. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.